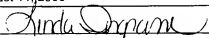
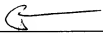


PRE-APPEAL BRIEF REQUEST FOR REVIEW		Docket Number (Optional) 2003-0065 / 24061.508	
I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)] on <u>August 11, 2006</u> Signature: <u></u> Typed or printed name <u>Linda Ingram</u>		Application Number <u>10/688,045</u> Filed <u>October 17, 2003</u> First Named Inventor <u>Huan-Just Lin, et al.</u> Art Unit <u>1722</u> Examiner <u>Robert M. Kunemund</u>	
<p>Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.</p> <p>This request is being filed with a notice of appeal.</p> <p>The review is requested for the reason(s) stated on the attached sheet(s). Note: No more than five (5) pages may be provided.</p>			
I am the <input type="checkbox"/> applicant/inventor. <input type="checkbox"/> assignee of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96) <input checked="" type="checkbox"/> attorney or agent of record. Registration number <u>56,237</u> <input type="checkbox"/> attorney or agent acting under 37 CFR 1.34. Registration number if acting under 37 CFR 1.34 _____		<div style="text-align: center;">  _____ Signature </div> <div style="text-align: center;"> <u>Wing Y. Mok</u> _____ Typed or printed name </div> <div style="text-align: center;"> <u>(972) 739-8626</u> _____ Telephone number </div> <div style="text-align: center;"> <u>August 11, 2006</u> _____ Date </div>	
NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*			
<input checked="" type="checkbox"/> *Total of <u>1</u> forms are submitted.			

This collection of information is required by 35 U.S.C. 132. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11, 1.14 and 41.6. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:	§	Attorney Docket No.
Huan-Just Lin, et al.	§	TSMC2003-0065/ 24061.508
	§	
Serial No.: 10/688,045	§	Group Art Unit: 1722
	§	
Filed: October 17, 2003	§	Confirmation No. 9213
	§	
For: Fully Dry, SI Recess Free Process for	§	Examiner: Kunemund, Robert M.
Removing High K Dielectric Layer	§	
	§	

REASONS IN SUPPORT OF
PRE-APPEAL BRIEF REQUEST FOR REVIEW

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Please consider the following reasons in support of the concurrently filed Pre-Appeal Brief Request for Review.

Reasons

I. Applicants submit that there is clear error with respect to the Examiner's rejection of claims 1-5, 8-10, 15, 20-24, 27-29 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,451,647 to Yang et al. ("Yang") in view of U.S. Patent No. 6,436,838 to Ying et al. ("Ying"). As described in detail on page 9 of Applicants' Response to Final Office Action (dated July 10, 2006), the rejection of claim 1 is deficient because the references clearly fail to teach or suggest the claim 1 limitation reciting "etching through said exposed portions of said high k dielectric layer with a plasma etch comprised of an inert gas, BCl₃, and one or more fluorocarbon gases C_xH_yF_z, wherein x and z are integers and y is an integer or is 0, or CH₄."

Specifically, the Final Office Action relies on Yang's disclosure at column 3, lines 25-55 of "a BCl₃ or SiCl₄ principal etchants that are used in combination with argon, oxygen, nitrogen,

chlorine or a combination thereof,” even though Ying fails to disclose one or more fluorocarbon gases $C_xH_yF_z$. In addition, the Final Office Action relies on Yang’s disclosure at column 12, lines 1-10 of “a plasma etchant that comprises oxygen, fluorine-containing material, and inert gas,” even though Yang fails to disclose BCl_3 . Furthermore, the Advisory Action dated Aug 1, 2006 relies on the fact that the combination of Ying and Yang teaches the claimed invention including the specific gases used to etch the material, even though there are no teaching or suggestion in Ying to include one or more fluorocarbon gases $C_xH_yF_z$ in the plasma source gas and no teaching or suggestion in Yang to include BCl_3 in the plasma etchant.

Claim 20 recites similar features as claim 1 and were rejected for the same rationale. Therefore, claim 20 suffers the same error in rejection as claim 1. Claims 2-19 and 21-40 depend from and further limit claims 1 and 20 respectively and therefore suffer from the same errors in rejection as claims 1 and 20.

Conclusion

It is respectfully submitted that claims 1-40 in the application are in condition for allowance.

Respectfully submitted,

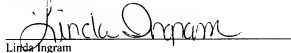


Wing Y Mok
Registration No. 56,237

Dated: _____
HAYNES AND BOONE, LLP
901 Main Street, Suite 3100
Dallas, Texas 75202-3789
Telephone: 972 739-8626
Facsimile: 214 200-0853
Attorney Docket No.:
2003-0065/24061.508
File No. 142743.1

Certificate of Service

I hereby certify that this correspondence is being filed with the U.S. Patent and Trademark Office via EFS-Web on August 11, 2006.


Linda Ingram